

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

JOHN DEGROOTE SERVICES, LLC, *et al.*,

Plaintiffs,

v.

F. EDWIN HARBACH, *et al.*,

Defendants.

Civil Action No. 2011-10612



**DEFENDANTS'
MOTION TO CONSOLIDATE**

COME NOW Defendants, by counsel, and move this Court to consolidate for trial this action and *F. Edwin Harbach, et al. v. John DeGroote*, Circuit Court for the County of Fairfax, Virginia, No. 2012-17151. In support thereof, Defendants incorporate herein by reference their Memorandum in Support of Motion to Consolidate attached hereto. Defendants have served this motion and memorandum on Plaintiffs' counsel in the instant action and on Mr. DeGroote personally, as Mr. DeGroote's attorney has not yet filed an appearance in the above-listed case.

Respectfully submitted,

F. EDWIN HARBACH,
ALBERT L. LORD,
RODERICK C. MCGEARY,
J. TERRY STRANGE,
DOUGLAS C. ALLRED,
SPENCER FLEISCHER,
BETSY J. BERNARD,
JILL KANIN-LOVERS, and
EDWARD MUNSON
By Counsel

Date: November 28, 2012

 Sean F. Murphy by  u/  permission

Warren E. Zirkle, VSB No. 15321
Sean F. Murphy, VSB No. 28415
Dion W. Hayes, VSB No. 34304
MCGUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, Virginia 22102-4215
(703) 712-5000 (telephone)
(703) 712-5050 (facsimile)

-and-

Paul C. Curmin (admitted *pro hac vice*)
William T. Russell, Jr. (admitted *pro hac vice*)
Paul C. Gluckow (admitted *pro hac vice*)
Craig S. Waldman (admitted *pro hac vice*)
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, New York 10017-3954
Telephone: (212) 455-2000
Facsimile: (212) 455-2502

*Counsel for Defendants Roderick C. McGeary,
J. Terry Strange, Douglas C. Allred, Betsy J.
Bernard, Spencer C. Fleischer, Jill Kanin-
Lovers, and Edward Munson*



William B. Porter, VSB No. 41798
BLANKINGSHIP & KEITH, P.C.
4020 University Drive, Suite 300
Fairfax, Virginia 22030
(703) 691-1235 (telephone)
(703) 691-3913 (facsimile)

-and-

Robert Van Kirk (admitted *pro hac vice*)
George Borden (admitted *pro hac vice*)
Ana Reyes (admitted *pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
Telephone: (202) 434-5435
Facsimile: (202) 434-5029

Counsel for Defendant F. Edwin Harbach

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November 2012, a true copy of the foregoing was sent by email (as agreed by the parties) and mailed, first class, postage prepaid to:

Counsel for Plaintiff John DeGroot Services, LLC and John DeGroot:

Andrew J. Terrell, Esq.
WHITEFORD, TAYLOR & PRESTON, L.L.P.
3190 Fairview Park Drive, Ste. 300
Falls Church, Virginia 22042
(703) 280-9260 (telephone)
(703) 280-9139 (facsimile)

Kevin G. Hroblak, Esq.
William F. Ryan, Jr.
WHITEFORD, TAYLOR & PRESTON, L.L.P.
Seven Saint Paul Street, Ste. 1800
Baltimore, Maryland 21202
(410) 347-9405 (telephone)
(410) 223-4305 (facsimile)

Lewis T. LeClair, Esq.
Robert M. Manley, Esq.
McKool Smith, P.C.
300 Crescent Court, Ste. 1500
Dallas, Texas 75201
(214) 978-4000 (telephone)
(214) 978-4044 (facsimile)

Counsel for Defendants Albert L. Lord, Roderick C. McGeary, J. Terry Strange, Douglas C. Allred, Betsy J. Bernard, Spencer C. Fleischer, Jill Kanin-Lovers and, Edward Munson:

Sean F. Murphy, Esq.
Christopher Harlow, Esq.
MCGUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, Virginia 22102-4215
(703) 712-5000 (telephone)
(703) 712-5050 (facsimile)

Paul C. Curnin, Esq.
William T. Russell, Jr., Esq.
Paul C. Gluckow, Esq.
Craig S. Waldman, Esq.
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, New York 10017-3954
(212) 455-2000 (telephone)
(212) 455-2502 (facsimile)



William B. Porter